

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JERRY CHURCHILL,)
)
Plaintiff,)
)
)
)
JEROLD REILHELD and)
KATHY MILLER,)
)
Defendants.)

No. CIV 13-213-Raw-SPS

OPINION AND ORDER

On November 18, 2013, the court directed plaintiff to show cause within fourteen (14) days why this action should not be dismissed for his failure to serve Defendants Jerold Reilheld and Kathy Miller within 120 days after filing the complaint, pursuant to Fed. R. Civ. P. 4(m) [Docket No. 17]. Plaintiff also was advised that failure to show cause as directed will result in dismissal of this action. On December 9, 2013, the court's order was returned with a notation of "ATTEMPTED-UNKNOWN" [Docket No. 18]. According to the Oklahoma Department of Corrections website at <http://www.ok.gov/doc>, plaintiff was discharged from custody on September 18, 2013.

Plaintiff has failed to advise the court of his current address, as required by Local Civil Rule 5.5(a). Therefore, this action is dismissed without prejudice for failure to prosecute. *See United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 854-56 (10th Cir. 2005) (dismissing appeal *sua sponte* for failure to prosecute because appellant disappeared and failed to meet court deadlines).

ACCORDINGLY, this action is, in all respects, DISMISSED WITHOUT PREJUDICE for failure to prosecute.

IT IS SO ORDERED this 11th day of December 2013.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE